IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.14274 of 2004

Between:
Amadalavalasa Cooperative Sugars Ltd., Amadalavalasa, Srikakulam District
Rep by its Managing Director Sri S.E. Satyanarayana, aged about 51 yrs.
S/o S.S.Rama Rao.

..... PETITIONER

AND

1 The Commissioner for Workmen's Compensation, Srikakulam and Asst. Commissioner of Labour, Srikakulam.
2 T.Bhaskara Rao S/o. Appala Suri, Amadalavalasa.
3 Oriental Insurance Co.Ltd., Srikakulam rep by its Divisional Manager.
4 Ambica Laminations Pvt.Ltd., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in passing the order in W.C. No.1/2001 Dt.28.4.2004 and set aside the same as illegal, arbitrary, contrary to law without impleading the 4th respondent herein as party respondent in W.C. who took over the Management of the petition organization wrong calculation of compensation amount, non examination of the doctor and for assessment of the earning capacity, his continuance as a workmen in the factory and hence no 100 % loss of earning capacity and Rs.98,000/- already spent and other points raised therein and come to the conclusion in accordance with the regulations under workmen's compensation Act and the Principles of Natural Justice and also the present position of the management which already handed over to the private authority ie., 4th respondent herein.

Counsel for the Petitioner: **Mr.S.PRASAD RAO**

Counsel for the Respondent No.1: **GP FOR LABOUR**

The Court at the admission stage made the following :

ORAL ORDER:

Against the impugned Order passed by the Court of Commissioner for Workmen's Compensation, Srikakulam, there is an effective alternative remedy by way of an appeal under Section 30 of the Workmen's Compensation Act,1923 to this Court. The petitioner, without exhausting the efficacious alternative remedy provided by the Act, has filed this writ petition straightaway. When there is an effective and efficacious alternative remedy available to the petitioner, normally, this Court will not entertain the writ petition.

Accordingly, this writ petition is dismissed reserving liberty to the petitioner to file an appeal against the impugned Orders. No costs.

16-9-2004

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner for Workmen's Compensation,
Srikakulam and Asst. Commissioner of
Labour, Srikakulam.

2 Oriental Insurance Co.Ltd., Srikakulam rep by its Divisional Manager.

3 2CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT)

4 2CD copies